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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/672,396 | 09/26/2003 | Daniel V. Santi | 300622010900 | 9173 |

81228 7590 12/05/2008

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| EXAMINER |
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ROBINSON, HOPE A

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| ART UNIT | PAPER NUMBER |
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1652

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12/05/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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| APPLICATION NO./ CONTROL NO. | FILING DATE | FIRST NAMED INVENTOR / PATENT IN REEXAMINATION | ATTORNEY DOCKET NO. |
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| 10672396 | 9/26/03 | SANTI ET AL. | 300622010900 |

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EXAMINER

HOPE A.. ROBINSON

ART UNIT**PAPER**

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20081203

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Commissioner for Patents

The Amendment filed on August 21, 2008 is not compliant. Modifications have been made to the claim language that are properly annotated with underlying for insertions or strike through/ brackets for deletions. For example, claim 1 item (c) recites "the polypeptide segment-encoding sequence of the synthetic gene and the polypeptide segment encoded by the naturally occurring gene are less than 90% identical in nucleotide sequence" and in the amendment filed on December 21, 2007, claim 1(c) recited "the polypeptide segment-encoding sequence of the synthetic gene and the polypeptide-segment encoding sequence of the naturally occurring gene are less than 90% identical in nucleotide sequence". Note that the wording in line two of that portion of the claim has been changed with no annotations. In addition, claim 77 now recites "segmentencoding" and in the amendment filed December 21, 2007 claim 77 recited "segment-encoding". Based on the copious amounts of claims applicant is urged to ensure that all modifications made to the claim language is properly annotated with a strike through or brackets for deletions and underlying for insertions. The claims cannot be considered without knowing what modifications are intended. As the non-compliant amendment is a reply to a Non-Final Office Action and since the amendment appears to be a bona fide attempt to be a reply (37 CFR 1.135(c)), applicant is given a TIME PERIOD of ONE MONTH from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hope A. Robinson whose telephone number is 571-272-0957. The examiner can normally be reached on Monday-Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nashaat Nashed, can be reached at (571) 272-0934. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Hope A. Robinson/
Primary Examiner, Art Unit 1652